

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

DONALD THOMAS,

Petitioner,

v.

WARDEN, TEXARKANA FC L. GETER,

Respondent.

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CASE NO. 5:19-CV-00068-RWS-CMC

ORDER

Petitioner Donald Thomas, a prisoner confined at the Federal Correctional Institution in Texarkana, Texas, petitioned for writ of habeas corpus pursuant to 28 U.S.C. § 2241. That petition was referred to the Honorable Caroline Craven. Thereafter, Respondent moved to dismiss, arguing that Petitioner had failed to state a claim. Docket No. 7. The Magistrate Judge recommended the motion be denied, Docket No. 10; and no party has objected to that recommendation.

Accordingly, Respondent is not entitled to a *de novo* review of the Magistrate Judge's findings, conclusions and recommendations, and except upon grounds of plain error, he is barred from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. 28 U.S.C. § 636(b)(1)(C); *Douglass v. United Servs. Auto. Assoc.*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc).

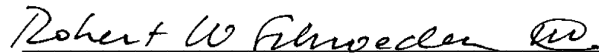
Nonetheless, the Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge and agrees with the Report of the Magistrate Judge. *See United States v. Raddatz*, 447 U.S. 667, 683 (1980) (“[T]he statute permits the district court to give to the magistrate’s proposed findings of fact and recommendations ‘such weight as [their] merit

commands and the sound discretion of the judge warrants,’ ”) (quoting *Mathews v. Weber*, 23 U.S. 261, 275 (1976)).

For the foregoing reasons, the Magistrate Judge’s report is **ADOPTED**, and Respondent’s Motion to Dismiss (Docket No. 7) is **DENIED**. It is

ORDERED that Respondent shall file a response to the petition within thirty days of the date of this order.

So ORDERED and SIGNED this 9th day of July, 2020.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE